

## **REMARKS**

As a result of this amendment, claims 1-47, 61, 63-64, 66-69, and 71 are now pending in this application.

### **Response to Double-Patenting Rejections**

Claims 2, 14-16, 20-23, 29-31, 61, 63-64, 66-69, and 71 were rejected under the judicially created doctrine of double patenting over various claims of U.S. Patent 6,288,437. In response, applicant has amended the claims to more readily distinguish from those of the patent.

Claims 1, 3-13, 24-28, 49, 65, and 70 were rejected under the judicially created doctrine of double patenting over claims 2-12, 23-27, 47-48, and 53 of U.S. Patent 6,288,437. In response, applicant submits that it will submit an appropriate terminal disclaimer once it receives notification that the application is otherwise in condition for allowance. Applicant makes no admission regarding the propriety of the rejection.

Accordingly, applicant requests respectfully that the Examiner reconsider and withdraw the double-patenting rejections.

### **Response to §102 Rejections**

Claims 1, 6, and 39 were rejected under 35 USC §102(b) as anticipated by Jun (U.S. 5,652, 169). In response, applicant has amended claims 1, 6, and 39, with amended claims 1 and 39 requiring means for moving at least some portion of one of the conductive members as a solid unit and claim 6 requiring a layer comprising hydrogen. In contrast, Jun reports moving its conductive links in a liquid phase and provides a silicon nitride layer. Accordingly, applicant requests respectfully that the Examiner reconsider and withdraw the §102 rejections of claims 1, 6 and 39.

Claims 17-19 were rejected under 35 USC § 102(b) as anticipated by Velde (U.S. 4,528,583). In response, applicant has amended these claims to specify “a conductive, low-gas-saturatable layer ... contacting at least two of the opposing interior-wall portions.” Accordingly,

applicant requests respectfully that the Examiner reconsider and withdraw the §102 rejections of claims 17-19.

Claim 36 was rejected under 35 USC §102(b) as anticipated by Mukai (U.S. 4,968,643). In response, applicant has amended these claims to specify “a conductive layer within the chamber and contacting at least two of the opposing interior-wall portions.” Accordingly, applicant requests respectfully that the Examiner reconsider and withdraw the §102 rejections of claim 36.

### **§103 Rejection of the Claims**

Claims 32-35 were rejected under 35 USC § 103(a) as unpatentable over Mukai (U.S. 4,968,643). In response, applicant has amended claims 32-35 to specify “a conductive layer within the chamber and contacting at least two of the opposing interior-wall portions.” .” Accordingly, applicant requests respectfully that the Examiner reconsider and withdraw the §103 rejections of claims 32-35.

Claims 37-38 were rejected under 35 USC §103(a) as unpatentable over Werner (U.S. 6,080,649). In response, applicant has amended claim 37 to recite “means for displacing the third conductive member toward the first and second ends and electrically connecting the first and second conductive members.” In contrast, Werner teaches a normally closed fusible link.

Accordingly, applicant requests respectfully that the Examiner reconsider and withdraw the §103 rejections of claims 37-38.

Claims 40-47 were rejected under 35 USC § 103(a) as unpatentable over Li (U.S. 5,912,571) in view of Jun (5,652,169), and claims 46-47 were rejected similarly as unpatentable over Jefferson (U.S. 6,115,312) in view of Li (U.S. 5,912,571) and further in view of Jun (U.S. 5,652,169).

In response, applicant has amended claim 40 to recite “means for moving [the second conductive portion or at least a portion of the second conductive member] as a solid unit relative the first conductive member.” Because neither Li nor Jefferson nor Jun teaches movement of a

conductive member as a solid unit, it does not appear that any permissible combination of Li, Jefferson, and Jun would meet the requirements of claims 40-47. Accordingly, applicant requests respectfully that the Examiner reconsider and withdraw the §103 rejections of claims 40-47.

**Reservation of Rights**

Applicant reserves all applicable rights not exercised in connection with this response, including, for example, the right to swear behind one or more of the cited references, the right to rebut any tacit or explicit characterization of the references, and the right to rebut any asserted motivation for combination. Applicant makes no admission regarding the prior art status of the cited references, regarding them as being only of record.

### **Conclusion**

In view of the amended claims and highlighted remarks, applicant requests respectfully that the Examiner reconsider and withdraw the rejections. Moreover, applicant invites the Examiner to telephone his patent counsel Eduardo Drake (612-349-9593) to resolve any issues that may delay allowance.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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Date

15 July 2003

By

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O.Box 1450, Alexandria, VA 22313-1450, on this 15th day of July, 2003.

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